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10 **UNITED STATES BANKRUPTCY COURT**
DISTRICT OF NEVADA

11 In re:

12 USA COMMERCIAL MORTGAGE
 COMPANY,

13 USA CAPITAL REALTY ADVISORS,
 LLC,

14 USA CAPITAL DIVERSIFIED TRUST
 DEED FUND, LLC,

15 USA CAPITAL FIRST TRUST DEED
 FUND, LLC,

16 USA SECURITIES, LLC, Debtors.

17 **Affects:**

18 All Debtors
 USA Commercial Mortgage Company
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund, LLC
 USA Capital First Trust Deed Fund, LLC
 USA Securities, LLC

19 Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR
 Case No. BK-S-06-10729-LBR

20 **CHAPTER 11**

21 Jointly Administered Under Case No.
 BK-S-06-10725 LBR

22 **MOTION FOR ORDER REQUIRING
 NATIONAL REAL ESTATE
 HOLDINGS, INC. TO PRODUCE
 ONE OR MORE
 REPRESENTATIVES FOR
 EXAMINATION PURSUANT TO
 FEDERAL RULE OF
 BANKRUPTCY PROCEDURE 2004**

23 [No hearing required]

24 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating
 25 Trust (the “Trust” or “Movant”) hereby moves this Court for an order requiring National
 26 Real Estate Holdings, Inc. (“NREH”) to produce one or more representatives for
 examination at the office of Esquire Deposition Services, 520 Capitol Mall, Suite 250,

1 Sacramento, California 95814, on a business day no earlier than ten (10) business days
2 after the filing of this Motion and no later than January 15, 2008, or at such other mutually
3 agreeable location, date, and time, and continuing from day to day thereafter until
4 completed.
5

6 This Motion is further explained in the following Memorandum.

7 **Memorandum**

8
9 The Trust seeks information concerning various transactions in which payments
10 were received by NREH on loans originated by USACM, the other debtors in the above-
11 captioned cases (together with USACM, the “Debtors”), and the Debtors’ affiliates,
12 subsidiaries, parents, or otherwise related entities. In a number of loan transactions,
13 NREH received substantial payments.
14

15 The Trust seeks this information from NREH to assist in the collection of the assets
16 and the investigation of the liabilities of the Debtors.

17 The requested discovery from NREH is within the scope of examination permitted
18 under Bankruptcy Rule 2004, which includes:

19 [t]he acts, conduct, or property or . . . the liabilities and financial condition
20 of the debtor, or . . . any matter which may affect the administration of the
21 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
22 reorganization case under chapter 11 of the Code, . . . the examination may
23 also relate to the operation of any business and the desirability of its
24 continuance, the source of any money or property acquired or to be acquired
given or offered therefore, and any other matter relevant to the case or to the
formulation of a plan.¹

25
26
1 FED.R. BANKR. P. 2004(b).

Conclusion

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: December 4, 2007.

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